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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1357-1375

[Approved by the Acting Secretary of Agriculture, October 30, 1935]

1357. Adulteration and misbranding of Supersan Clortox, and misbranding of Pine Disinfectant and Supersan Animal Soft Soap. U. S. v. Chemical Compounding Corporation, and Eugene Kohn. Pleas of guilty. Fines, \$375. (I. & F. no. 1714. Sample nos. 43748-A, 43749-A, 43750-A.)

This case was based on an interstate shipment of the following products: A lot of Clortox that contained a smaller proportion of the active ingredient than declared, and that was labeled with false and misleading claims as to its alleged antiseptic, disinfecting, and deodorizing properties; a lot of Pine Disinfectant that was labeled with false and misleading claims that it was harmless and was an effective disinfectant for personal use; and a lot of Animal Soap labeled with false and misleading claims as to its alleged effectiveness against mites, mange, scabies, and other insects.

On September 29, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chemical Compounding Corporation and Eugene Kohn, Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Insecticide Act of 1910, on or about November 8, 1933, from the State of New York into the State of New Jersey, of a quantity of Supersan Clortox which was adulterated and misbranded and of quantities of Pine Disinfectant and Supersan Animal Soft Soap, which were misbranded.

The information charged that the Clortox was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, "Active Ingredients: 4.0% Sodium Hypochlorite", since it contained sodium hypochlorite in a proportion less than 4 percent, namely, 3.38 percent.

Misbranding of the Clortox was alleged for the reason that the statement, "Active Ingredients: 4.0% Sodium Hypochlorite", borne on the bottle label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since it contained less than 4 percent of sodium hypochlorite. Misbranding of the Clortox was alleged for the further reason that the following statements on the bottle label, "It is, therefore, the best disinfectant and medium for the destruction of disease germs in urine, fecal discharges, sputa, etc. * * * For Disinfection—3% solution (tablespoonful to pint of water) is a powerful disinfectant against the bacteria in urine, sputum, discharges of all kinds. Even a 1% solution may be used for all antiseptic purposes * * * Disinfectant * * * For Mopping, Scrubbing and General Cleaning—Use one tablespoonful to one gallon of water. * * * For Disinfecting the Air in Sickrooms—Giving off, gradually, its available chlorine contents, when in an open dish, a 3% solution of Clortox (a tablespoonful to a pint of water) will disinfect the air; therefore to be used in places where contagious diseases are prevailing or suspected. * * * A Labor Saver in Kitchens & Bath Rooms—A teaspoonful of Clortox poured in the bowl of a toilet, will dissolve all deposits, disinfect and deodorize same. * * * Disinfectant * * * Waste Pipes, Kitchen Sinks, Ice Boxes, Garbage Cans, etc.—Use one to two teaspoonfuls to a quart of water. * * * In the Bath—A tablespoonful in your bath will act as a non-irritating, cleansing antiseptic", were false and misleading, and by reason

of the said statements the article was labeled so as to deceive and mislead the purchaser; since the article would not be effective in urine, sputum, discharges of all kinds, fecal discharges, and for all antiseptic purposes; would not act as an effective disinfectant at the dilutions specified; would not disinfect the air; would not disinfect and deodorize toilet bowls; would not disinfect waste pipes, ice boxes, and garbage cans; would not act as an antiseptic at the dilution of 1 tablespoonful in the bath.

Misbranding of the Pine Disinfectant was alleged for the reason that the statements, "Harmless to Humans and Animals", "Disinfectant * * * For Personal Uses: A 5% solution is very useful as a mouth wash, throat spray, foot bath, douche. Also a delightful addition to shampoo and bath", borne on the can label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser; since it was not harmless to humans and animals, in that it was poisonous, and since the article, when used as directed, would not act as an effective disinfectant for personal uses.

Misbranding of the Animal Soap was alleged for the reason that the statements, "Supersan Animal Soft Soap * * * Kills Fleas, Mites, Lice and many other insects. Aids in the Treatment of Mange, Scabies", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser; since the article, when used as directed, would not kill mites and would not be effective as an aid in the treatment of mange and scabies, and would not be effective against all insects indicated by the term "many other insects." The information also charged that the said Animal Soap was misbranded in violation of the Food and Drugs Act, reported in Notice of Judgment no. 23258 published under that act.

On October 5, 1934, the defendants entered pleas of guilty and the court imposed fines totaling \$375 for violation of the Insecticide Act of 1910.

M. L. WILSON, *Acting Secretary of Agriculture.*

1358. Misbranding of Organic Cleanser. U. S. v. The United States Chemical Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 1747. Sample no. 60937-A.)

This case was based on an interstate shipment of a fungicide, known as Organic Cleanser, which contained inert ingredients that were not indicated on the label as required by law.

On December 28, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the United States Chemical Co., a corporation, Greenville, Ohio, alleging shipment by said company, on or about April 16, 1934, from the State of Ohio into the State of Indiana, of a quantity of Organic Cleanser which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, i. e., substances other than hydrochloric acid, which inert substances do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and percentage amount of each inert substance so present in the article were not stated plainly and correctly, or at all, on the label affixed to the jugs containing the article; nor, in lieu thereof, were the name and percentage amount of every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances so present, stated plainly and correctly, or at all, on the label.

The information also charged a violation of the Caustic Poison Act, reported in Notice of Judgment no. 26 published under that act. On January 18, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25 on each charge.

M. L. WILSON, *Acting Secretary of Agriculture.*

1359. Misbranding of Cinoline. U. S. v. C. H. C. Chemical Co. Plea of guilty. Fine, \$50. (I. & F. no. 1751. Sample no. 60935-A.)

This case involved a shipment of Cinoline, a fungicide within the meaning of the Insecticide Act of 1910, the labeling of which contained unwarranted claims relative to its alleged effectiveness as a disinfectant. The labeling was further objectionable since it failed to declare the inert ingredients as required by law.

On December 24, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the

district court an information against the C. H. C. Chemical Co., a corporation, Cincinnati, Ohio, alleging shipment by said company on or about May 8, 1934, from the State of Ohio into the State of Indiana of a quantity of Cinoline, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "1. Use one part of Cinoline to seven parts water. 2. Start at the top floor of building and work down, spraying Class rooms, Cloak rooms, Lockers and Hallways. Apply about one hour before School opens or at noon hour. 3. Spray Toilets and Washrooms Daily, as Cinoline is an ideal disinfectant to eliminate foul odors. 4. In addition, we suggest that a thorough Fumigation be made Weekly, which can usually be done on Saturday or a Holiday. Use in concentrated form for this purpose. 5. In case same should cause slight sneezing or eye watering, open a window, so as to create a draft. In a few minutes there will be no complaint", borne on the label affixed to the drum containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article when used as directed, would act as a disinfectant; whereas the said article when used as directed would not act as a disinfectant.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, and the name and percentage amount of the said inert substance present in the article were not stated plainly or correctly or at all on the label affixed to the drum; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert substance present stated plainly and correctly or at all on the said label.

On January 14, 1935, a plea of guilty was entered on behalf of defendant company and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1360. Adulteration and misbranding of Medina Process Blue Dust and Medina Process Copper Arsenic Dust. U. S. v. 12 Bags of Medina Process Blue Dust and 12 Bags of Medina Process Copper Arsenic Dust. Default decree of condemnation, forfeiture, and destruction. (I. & F. no. 1638. Samples nos. 40551-A, 40552-A.)

This case involved products, sold as insecticides and fungicides, that contained less copper expressed as metallic, less monohydrated copper sulphate, and more inert ingredients than declared on the tags attached to the bags containing the article.

On July 24, 1933, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bags of Medina Process Blue Dust and 12 bags of Medina Copper Arsenic Dust at Hanna, Ind., alleging that the article had been shipped in interstate commerce on or about May 27, 1933, by the New York Insecticide Co., Inc., from Medina, N. Y., and charging misbranding in violation of the Insecticide Act of 1910. On August 2, 1934, an amendment to the libel was filed charging that the articles were also adulterated in that their strength and purity fell below the professed standard and quality under which they were sold since they contained less copper expressed as metallic, less monohydrated copper sulphate, and more inert ingredients than declared on the labels.

Misbranding was alleged in that the following statements borne on the labels were false and misleading and tended to deceive and mislead the purchaser: (Blue Dust) "Nine percent copper * * * Copper Sulphate (as monohydrate) not less than twenty-five percent, inert ingredients not more than seventy five percent"; (Copper Arsenic Dust) "Seven percent copper * * * Copper Sulphate (as monohydrate) not less than twenty percent * * * Inert ingredients not more than sixty four percent."

On December 1, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1361. Misbranding of Savol Antiseptic. U. S. v. 10 Bottles of Savol Antiseptic. Default decree of destruction. (I. & F. no. 1720. Sample no. 61084-A.)

This case involved a product, the labels of which bore false and misleading representations as to its effectiveness as an antiseptic, disinfectant, deodorant, and germicide, and as a control for certain insects. The article contained inert ingredients that were not declared as required by law.

On June 28, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Savol Antiseptic at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about April 26, 1934, by the Savol Chemical Co., from Mercer, Pa., and charging misbranding in violation of the Insecticide Act of 1910.

It was alleged in the libel that the article was misbranded in that the following statements on the bottle and carton labels, and in a circular shipped with the article, were false and misleading and tended to deceive and mislead the purchaser, (bottle) "Directions: Unless otherwise desired, use diluted Savol consisting of one teaspoonful to a pint of very hot water * * * Diluted Savol is an excellent disinfectant and deodorant in the sick room and in cupboards, sinks, closets, etc.", (circular) "Poultry houses should be sprinkled with diluted Savol", (carton) "Savol * * * Destroys * * * Bed-bugs, etc."; (circular) "Savol * * * The ideal antiseptic * * * Savol is an ideal antiseptic, for it quickly destroys all microbes or disease germs * * * it has three times as much germ-destroying power as carbolic acid, * * * Cupboards that are infested with vermin can be freed from insects by washing them with diluted Savol. * * * Savol * * * it is the most agreeable and efficient antiseptic, disinfectant and deodorant on the market", since the article was not an excellent disinfectant in the places named, and would not disinfect when used at the dilution recommended or when applied by sprinkling; when used as directed it would not destroy bed-bugs, etc.; it was not the ideal antiseptic; it would not quickly destroy all microbes or disease germs; it did not have three times as much germ-destroying power as carbolic acid; it would not free cupboards from all insects and all vermin; and was not the most agreeable and efficient antiseptic and deodorant in the market. Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, which substance does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of such inert ingredient were not plainly and correctly stated on the label; nor, in lieu thereof, were the name and percentage amount of each and every ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert ingredient, stated plainly and conspicuously on the label. The libel also charged a violation of the Food and Drugs Act reported in Notice of Judgment no. 22978, published under that act.

On August 9, 1934, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1362. Misbranding of Cedartex. U. S. v. 36 Sacks of Cedartex. Default decree of destruction. (I. & F. no. 1561. S. no. 251.)

This case involved Cedartex, a plaster intended for use in the lining of clothes closets, which was represented to afford permanent moth protection. Examination of the product showed that, when used as directed, it would not afford permanent moth protection. The package failed to bear on the labels a statement indicating the inert ingredients.

On or about December 31, 1931, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 sacks of Cedartex at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about May 4, 1931, by the E. D. Coddington Manufacturing Co., North Milwaukee, Wis., from Milwaukee, Wis., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Cedartex Plaster Lining For Clothes Closets * * * Moth Repellent Permanent", borne on the label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that, when used as directed, it would act as a permanent repellent of moths; whereas when used as directed, it would not act as a permanent repellent of moths.

Misbranding was alleged for the further reason that the article consisted partially of inert substances, i. e., substances other than cedar oil, which inert substances do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each of the inert substances so present therein

were not stated plainly and correctly on the label affixed to the bags containing the article; nor, in lieu thereof, were the name and percentage amount of the ingredient having insecticidal properties, and the total percentage of the inert substances in the article, stated plainly and correctly on each of the labels.

On February 4, 1932, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1363. Misbranding of Dr. Kleinfeld's Medicated Flea Shampoo, Dr. Kleinfeld's Flea Powder, and Dr. Kleinfeld's Bird Lice Powder. U. S. v. Paramount Pet Supply Co., Inc. Plea of guilty. Fine, \$1. (I. & F. no. 1740. Sample nos. 67297-A, 67299-A, 67300A.)

This case was based on a shipment of various insecticides, one of which, the Medicated Flea Shampoo, contained inert ingredients that were not declared on the label as required by law. The Flea Powder contained more inert ingredients and less active ingredients than declared on the label. The Bird Lice Powder, which declared talc as the sole inert ingredient, contained an inert ingredient other than talc and the total of the inert ingredients was greater than declared on the label. Sample packages taken from all products were found to contain less than the declared quantity of contents.

On November 22, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Paramount Pet Supply Co., Inc., Union City, N. J., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about October 21, 1933, from the State of New Jersey into the State of New York, of quantities of Dr. Kleinfeld's Medicated Flea Shampoo, Dr. Kleinfeld's Flea Powder, and Dr. Kleinfeld's Bird Lice Powder, which were misbranded insecticides within the meaning of said act.

The articles were alleged to be misbranded in that the statement, "2 Fluid Ounces", with respect to the Flea Shampoo, and the statement, "Contents 1 Ounce", with respect to the Flea Powder and to the Bird Lice Powder, borne on the labels, were false and misleading, and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser, since the bottles containing the Flea Shampoo contained less than 2 ounces, and the cans containing the Flea Powder and the Bird Lice Powder contained less than 1 ounce of the articles.

Misbranding of the Flea Shampoo was alleged for the further reason that it consisted partly of an inert substance, water, and the name and percentage amount of the said inert substance were not stated plainly and correctly, or at all, on the bottle label; nor, in lieu thereof, were the name and percentage amount of each substance of the article having insecticidal properties, and the total percentage of the inert substance so present, stated plainly and correctly, or at all, on the said label. Misbranding of the Flea Powder was alleged for the further reason that the statements, "Active Ingredients: Powdered Derris Root 27.5% Inert Ingredients 72.5%", borne on the can label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the article contained active ingredients in a proportion much less than 27.5 percent, and contained inert ingredients in a proportion much greater than 72.5 percent. Misbranding of the Bird Lice Powder was alleged for the further reason that the statement, "Inert Ingredient Talc 72.5%", borne on the can label, was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article contained talc only as an inert ingredient, and contained inert ingredients in the proportion of not more than 72.5 percent: whereas it contained an inert ingredient other than talc, namely, the inactive portion of derris root, and contained inert ingredients in a proportion much greater than 72.5 percent.

On December 5, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

1364. Misbranding of Mothex Cedarized Tablets. U. S. v. 85 Packages of Mothex Cedarized Tablets. Default decree of forfeiture and destruction. (I. & F. no. 1719. Sample no. 71815-A.)

This case involved a shipment of Mothex Cedarized Tablets, the labeling of which contained false and misleading claims relative to their efficacy in the control of moths.

On or about June 25, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 packages of Mothex Cedarized Tablets at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 21, 1933, by the Odora Co., Inc., from New York, N. Y., and charging misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements appearing on the label and carton, (label) "Mothex Cedarized Tablets Kill Moths and Moth Eggs * * * Mothex The Superior Moth Destroyer Safe Effective Economical Directions Unwrap Tablets Use in Clothes Pockets Furs Woolens Closets Drawers Chests etc.", (carton) "Mothex Cedarized Tablets Kills Moths and Moth Eggs The Ideal Moth Repellant * * * Use Mothex Cedarized Tablets for Complete Moth Protection * * * Mothex Moth Repellants * * * Mothex Cedarized Tablets Safe Efficient", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article when used as directed would kill moths and moth eggs and would repel moths; whereas the article when used as directed, would not be effective against moths under all conditions, would not repel moths, and would not furnish complete moth protection under all conditions.

On August 7, 1934, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1365. Misbranding of Reefer's No-Moth Sets and Reefer's No-Moth Refills. U. S. v. 116 Reefer's No-Moth Sets and 55 Bottles of Reefer's No-Moth Refills. Default decree of condemnation and forfeiture. (I. & F. no. 1702. Sample no. 62319-A.)

This case involved a shipment of moth sets consisting of a liquid and a vaporizer, and certain bottles of the liquid to be used as refills. Examination of the article showed that it would not kill moths and afford the moth protection claimed in the labeling.

On April 27, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 116 Reefer's No-Moth Sets and 55 bottles of Reefer's No-Moth Refills at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about April 5, 1934, by Reefer-Galler, Inc., from New York, N. Y., and charging misbranding in violation of the Insecticide Act of 1910.

The articles were alleged to be misbranded in that the following statements, borne on the labels of the bottles of the refills and on the bottles contained in the said sets, "Reefer's No-Moth Kills Moths * * * Directions Read Carefully. 1. Remove the bottle together with wooden collar carefully from the metal holder. It is important not to detach wooden collar from the bottle. 2. Punch holes with a very sharp pointed pencil in spot marked 'Punch Here.' Be sure to punch pencil as far as possible so that the liquid is clearly visible through this hole. 3. Hang the metal holder on the baseboard or place it on the floor at the rear of case or clothes closet. 4. Replace bottle with wooden collar into holder so that the wooden collar sets solidly on the bottom of the metal cup. Use in space as large as 75 cubic feet. To confine fumes, keep doors closed", and the following statements appearing in a circular enclosed in the carton containing said sets, "You Need Protection From Moths 12 Months Every Year. Moths breed every month of the year and especially where the room temperature is 68° or more. Therefore, you need 12 months' protection from the ravages of these pests. With Reefer's No-Moth in your closets, science gives you this all year round protection for your clothes, winter woolens, furs, blankets and summer flannels. Reefer's No-Moth is time-tried and proven. It contains 100% full strength, pure natural cedar oils—it kills moths. The cedar odor is clean and pleasant—it protects but does not cling to your clothes. No airing necessary, and no more bother about packing and un-packing. Reefer's No-Moth hangs on the baseboard of your closet (each closet should have No-Moth protection). It is simple to install. It gives protection for twelve months, and it costs far less than repairing even one small moth hole", were false and misleading and by reason of the said statements the articles were labeled so as to deceive and mislead the purchaser in that they represented that the said articles,

when used as directed, would kill clothes moths and would give protection against moths for 12 months; whereas the article when used as directed would not kill clothes moths, and would not give protection against moths for 12 months.

On January 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Insecticide Act of 1910.

M. L. WILSON, *Acting Secretary of Agriculture.*

1366. Misbranding of Atlas Disinfectant. U. S. v. Outlet Sales Co., Inc., Plea of guilty. Fine, \$50. (I. & F. no. 1732. Sample no. 58017-A.)

This case was based on an interstate shipment of Atlas Disinfectant, the labeling of which contained false and misleading claims relative to its alleged disinfecting properties. The article consisted partly of an inert substance which was not declared on the label as required by law.

On December 21, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Outlet Sales Co., Inc., New York, N.Y., alleging shipment by said company on or about October 24, 1933, from the State of New York into the State of Massachusetts of a quantity of Atlas Disinfectant which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Disinfectant * * * General Cleaning—Use 3 teaspoonsful to each pail of water used for cleaning sinks, ice boxes, floors and all other mopping, scrubbing and sprinkling purposes. * * * The sickroom—one tablespoon to each gallon of water. Cuts and Wounds—Two teaspoons to the quart of warm water. Lavatories, Urinals, etc. Flush bowl regularly with solution of half a cup to the gallon of water", borne on the label affixed to the bottles containing the article, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that it would act as an effective disinfectant when used in the dilutions specified on the label; would act as an effective disinfectant for cuts and wounds when used in the dilutions specified on the label; and would disinfect lavatories and urinals when used as directed; whereas the article would not act as an effective disinfectant when used in the dilutions specified on the label; would not act as an effective disinfectant for cuts and wounds when used in the dilutions specified on the label; and would not disinfect lavatories and urinals when used as directed.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance, water, which does not prevent, destroy, repel, or mitigate insects or fungi (bacteria), and the name and the percentage amount of the said inert substance present in the article were not stated plainly and correctly, or at all, on the bottle label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the article having insecticidal or fungicidal (bactericidal) properties, and the total percentage of the inert substance present stated plainly and correctly; or at all, on the said label.

On January 21, 1935, a plea of guilty was entered on behalf of this defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1367. Misbranding of The Electric Moth Master. U. S. v. Teco Manufacturing Corporation. Plea of guilty. Fine, \$25. Fine remitted. (I. & F. no. 1715. Sample no. 32378-A.)

This case was based on an interstate shipment of an insecticide known as The Electric Moth Master, the labeling of which contained unwarranted claims relative to its effectiveness in the control of moths and moth larvae.

On December 26, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Teco Manufacturing Corporation, New York, N. Y., alleging shipment by said company on or about March 29, 1933, from the State of New York into the State of Connecticut of a quantity of The Electric Moth Master which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements on the carton and in the circular, (carton) "The Electric Moth Master Quickly

Kills Moths and Larvae * * * The Electric Mothmaster Quickly Kills Moths and Larvae with Vapor Developed by Controlled Heat Just Plug It In * * *. Larvae hatch at various times and their destructive activities continue throughout the year at the normal room temperatures which are generally maintained in the present day home. Six hours fumigation with the Electric Mothmaster of a tight closet containing 250 cubic feet of Space or less should completely kill them. Larger closets should be fumigated proportionately longer. * * * A Most Efficient Moth Fumigator for the Home Insures Rugs, Upholstered Furniture, Clothing—Furs and all other Woolens Against Moth Injury. No Work—No Worry Just Plug It In”, (circular) “The Extermination of Clothes Moths * * * A Moth Killer That Really Kills The Electric Moth Master Quickly kills moths and their larvae * * * Electrical fumigation makes you master of the moth situation in your home. Here science has combined electrical heat with a most effective chemical into a pungent and copious gas that cannot fail to thoroughly permeate every nook and crevice of your closets and every thread of the garments and fabrics stored therein. Moths and their larvae cannot survive six hours of electrical fumigation as provided by the Electric Mothmaster. * * * The Electric Mothmaster is not only a positive labor saver, but it is by far the most economical insurance available against the ravages of Moths. Only one Mothmaster is required to protect your entire home against infestation by these unwelcomed guests. * * * If the efficiency of the Electric Mothmaster could be measured only by its ability to quickly rid the closets of Moths and their destructive Larvae, it would be worth its weight in gold because the operation is so easy. Simply set it on a plate that has been placed in the center of the closet floor. Open the Mothmaster cap. Bring the cord out over the door sill. Raise up on the door knob when closing the door, so it will clear the cord. Connect the plug to an extension cord, or to any electrical outlet that may be more convenient and Electrical Fumigation has begun: * * * Saving the Furniture For closets that contain 200 cubic feet of space, or less, six hours of fumigation with the highly concentrated gas developed by the Electric Mothmaster should be sufficient to kill all existing Moth life. Larger closets should be fumigated proportionately longer. The door must be kept tightly shut during the period of fumigation. All woolen clothing and other fabrics usually kept there are left in place to be fumigated along with the closet. * * * Fumigation by commercial exterminating companies has been accepted as the most effective and sure remedy. But that is expensive! This problem is now solved by the electric mothmaster because it is a complete moth fumigating plant for the home. A closet will often accommodate an upholstered chair. Many of the smaller upholstered pieces and cushions can also be put in a closet that is to be fumigated. Place the electric Mothmaster on the floor of the closet directly under the upholstered piece and it will be thoroughly fumigated, as well as the closet. * * * The Electric Moth Master Makes You Master of the Moth Situation in Your Home. * * * Protecting Your Rugs * * * Here again you employ the closet to advantage. Place a cane seated chair in the closet that is to be fumigated, and drape, or balloon the rug loosely over it. Then by placing the Electric Mothmaster on the closet floor directly under the chair, the rug will be subjected to the same thorough fumigation that the entire closet receives. Remember that you cannot kill Larvae in carpets or rugs unless they are treated in tight, confined enclosures. The simple expedient of sprinkling powders, crystals or liquids on rug surfaces in an open room affords very doubtful protection, if any, against destruction of this sort. * * * The Electric Moth Master eliminates the egg by killing its source; namely, the Larvae and the adult Moth. It is advisable, therefore, to fumigate twice during the Spring months and twice during the Fall months. The second fumigation should occur within thirty days after the first, to completely eliminate any new Larvae that may have hatched from eggs that were present during the first fumigation. * * * You cannot limit their appetites, so why continue providing their food and shelter. Eliminate all of the work, worry and tragic losses that moths and their larvae have always caused: Kill them scientifically with electrical fumigation as developed by the Electric Mothmaster. * * * Moths do get into your Automobile upholstery, even under the extra seat covers. They can quickly be eliminated by placing the Electric Mothmaster on the floor of the car and closing all doors tightly. Wad all openings in the floor boards and fumigate for six hours”, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, since they represented that

the article would kill moths and their larvae and would eliminate moths in automobile upholstery; whereas the article, when used as directed, would not kill moths and their larvae and would not eliminate moths in automobile upholstery.

On December 27, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25, which fine was remitted.

M. L. WILSON, *Acting Secretary of Agriculture.*

1368. Adulteration and misbranding of Cid and Astogen. U. S. v. Rose Manufacturing Co. Plea of nolo contendere. Judgment of guilty. Sentence of 6 months' probation; sentence suspended. (I. & F. no. 1726. Dom. nos. 43283, 43365, 43366, 51136. Sample nos. 9825-A, 9826-A, 26454-A, 26455-A, 26480-A.)

This case was based on interstate shipments of products, known as Cid and Astogen, which were insecticides and fungicides within the meaning of the Insecticide Act. Examination showed that the articles contained inert ingredients in a proportion greater than declared on the labels and inert ingredients other than those declared. The labels also contained unwarranted claims regarding the effectiveness of the articles in the control of certain insects and fungi.

On December 4, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rose Manufacturing Co., a corporation at Philadelphia, Pa., alleging shipment by said company in violation of the Insecticide Act of 1910, between the dates of February 23 and May 18, 1932, from the State of Pennsylvania into the States of New York, Maryland, and Georgia, of quantities of Cid and Astogen which were adulterated and misbranded.

The articles were alleged to be adulterated in that the statements on the labels, "Inert Ingredient: Water 22%" with respect to the Cid, and "Inert ingredient: Silica 30 p.c." with respect to the Astogen, purported that the standard and quality of the articles were such that the former contained the inert ingredient, water, in the proportion of not more than 22 percent, and that the latter contained silica only as an inert ingredient, and that the proportion of silica in the article was not more than 30 percent; whereas the strength and purity of the articles fell below the professed standard and quality under which they were sold, since the Cid contained more than 22 percent of water and contained inert ingredients other than water, and the Astogen contained inert ingredients other than silica and the proportion of silica in the article was greater than 30 percent.

Misbranding of the Cid was alleged for the reason that the following statements borne on the bottle label. "Inert ingredient: Water 22%. Cid controls insects * * * kills most plant insects by contact, such as aster and chrysanthemum beetles * * * rose chafers * * * snails * * * caterpillars * * * cucumber beetles * * * for other insects, once or twice weekly until controlled * * * for resistant insects * * * plants may be sprayed with Cid double strength, without injury to foliage * * * It is advisable to loosen the soil and water plants subject to roset insects occasionally with a weak solution of Cid to destroy surface and soil insects—mixing four tablespoonfuls (2 fluid ounces) to the gallon of water—the same quantity of Cid used for spraying * * * Cid may be mixed with Insectro-gen—forming a protective film against insects * * * Cid controls * * * disease * * * Cid * * * fungicide plant spray * * * controls many blights including rust, yellows, stem rot, delphinium blight * * * Start spraying plants early and regularly with Cid as a preventive against rust, yellows, and fungi on asters and other plants * * * Cid may be mixed with Insectro-gen—forming a protective film against * * * disease", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article contained water only as an inert ingredient and in a proportion of not more than 22 percent and that when used as directed it would control all insects, would act as an effective insecticide against aster and chrysanthemum beetles, rose chafers, snails, cucumber beetles, all caterpillars, and all other insects, would act as an effective insecticide against all insects, would control all plant diseases, would control rust, yellows, stem rot, dephinium blight and all fungi on asters and other plants; whereas it contained inert ingredients other than water and contained water in a proportion greater

than 22 percent and when used as directed it would not control all insects, would not act as an effective insecticide against aster and chrysanthemum beetles, rose chafers, snails, cucumber beetles, all caterpillars and all other insects, would not control all plant diseases and would not control rust, yellows, stem rot, delphinium blight, and all fungi on aster and other plants.

Misbranding of the Astogen was alleged for the reason that the following statements, borne on the can label, "Inert ingredient: Silica 30 p.c. * * * Kills Most Root Insects Including Cut Worms * * * An effective control for root insects, ants, cut worms, white grubs, wire worms, sow bugs, and many parasitic insects on plant roots and in the soil—including Asters, Columbines, Nasturtiums, Marigolds, Snapdragons, Calendulas, Heliotropes and many other plants. * * * Astogen is useful when cultivated into the soil, cold frame, and the vegetable garden (after plants are growing), controlling cut worms, sow bugs, millipeds * * * etc. * * * For eliminating Ants To Get Rid of garden ants, simply spread Astogen over the ant mounds. Repeat when necessary. * * * Astogen with Peat Moss Astogen will be found useful in spreading about one-quarter of an inch deep over the soil before placing peat moss on flower beds in order to keep out the rose pith borer and other insects * * * Astogen is valuable for potted plants, as it clears the soil of insect pests * * * Astogen rids the soil of most insects, and has been found a great labor saver in preventing ants from carrying mealy bugs and other pests to the plant, as the eggs, larvae, and adults are destroyed in the ground by the toxic effect of Astogen * * * Astogen is a non-poisonous cut worm control * * * Where plants have been allowed to grow and have not been previously treated, liberal applications of Astogen have been found to greatly improve their condition. This practice will destroy root insects, ants, cut worms and other soil pests * * * We have used the aster as a basis, but the same treatment is equally valuable for other plants and vegetables subject to root insects * * * And Remember—Astogen Kills Cut Worms and Many Soil Insects Without Poisoning Vegetables or Plants. * * * Astogen assists in preventing * * * yellows * * * Directions for Using Astogen * * * About ten days after the plants have been transferred to their permanent location and show growth, cultivate half a trowel full of Astogen around the roots of each plant. The preparation should also be cultivated into the soil around plants near the stem at the surface of soil * * * Repeat Astogen application several times during the season. * * * Where plants have been allowed to grow and have not been previously treated, liberal applications of Astogen have been found to greatly improve their condition", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that it contained silica only as an inert ingredient, and in the proportion of not more than 30 percent and, when used as directed, would act as an effective insecticide against all insects so designated and against all root insects and all insects that might be included under the abbreviation "etc." and would assist in preventing yellows of asters; whereas the article contained inert ingredients other than silica, it contained silica in a proportion greater than 30 percent and when used as directed would not act as an effective insecticide against the insects so designated, or against all root insects or all insects that might be included under the abbreviation "etc.", and would not assist in preventing yellows of asters.

On January 23, 1935, a plea of *nolo contendere* was entered, and the court adjudged the defendant to be guilty and imposed a sentence of 6 months' probation which sentence was suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

1369. Misbranding of Florozone. U. S. v. Florozone, Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1723. Sample no. 67225-A.)

This case was based on an interstate shipment of Florozone, a fungicide within the meaning of the Insecticide Act, the labeling of which contained false and misleading claims relative to its alleged antiseptic and germ-killing properties.

On December 21, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Florozone, Inc., Brooklyn, N. Y., alleging that on or about May 31, 1933, the said defendant sold and delivered to E. J. Barry (Edward J. Barry), New York, N. Y., a quantity of Florozone under a

guaranty that the article was not adulterated or misbranded within the meaning of the Insecticide Act of 1910; that the said article, in the identical condition as when so sold and delivered, was shipped in interstate commerce on or about June 23, 1933, by the said E. J. Barry, from the State of New York into the State of New Jersey, and that it was a misbranded fungicide within the meaning of the said act.

The article was alleged to be misbranded in that the following statements borne on the bottle and carton labels, (bottle and carton) "A valuable preparation having * * * antiseptic properties. Scientific bacteriological tests have indicated that Florozone has definite killing strength against *Staphylococcus*, the common pus-producing organism", (bottle) "Disinfectant * * * is especially adapted for use in the Home, Hospitals, Public Buildings and Institutions, Theatres, Boarding and Apartment Houses, Stores; in general where there is need of an efficient Deodorizer, Germicide and Disinfectant. No need to bother with unpleasant disinfectants any more. Use Florozone, with its fragrant odor, in place of carbolic acid, cresol or other ill-smelling agents for general disinfection. Florozone is effective and pleasant to use. Directions for General Use For Household and General Disinfection, use undiluted, * * * Directions As an antiseptic wash for the hands, face and perspiration centers, use several tablespoonsful to a quart of water. * * * Florozone is a practical, exquisite and pleasant antiseptic * * * for women's personal hygiene Directions for Feminine Hygiene: Two ounces to a Quart of Warm Water", (carton) "Disinfectant * * * is especially adapted for use in the Home, Hospitals, Public Buildings and Institutions, Boarding and Apartment Houses, Theatres, stores; in general where there is need of an efficient Deodorizer, Germicide and Disinfectant. No need to bother with unpleasant disinfectants any longer. Use Florozone, with its fragrant odor, in place of carbolic acid, cresol or other ill-smelling agents for general disinfection. Florozone is effective and pleasant to use. Directions for General Use For Household and General Disinfection, use undiluted, * * * Directions As an antiseptic wash for the hands, face and perspiration centers, use several tablespoonsful to each quart of warm water", were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article when used as directed would possess antiseptic properties and would kill *Staphylococcus*, the common pus-forming organism, and when used as directed would act as an effective disinfectant for the purposes so indicated on the labels, whereas the article when used as directed did not possess antiseptic properties, would not kill the *Staphylococcus*, the common pus-forming organism, and would not act as an effective disinfectant for the purposes so indicated on the labels.

On January 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1370. Misbranding of Vapoo. U. S. v. Benjamin T. Lake (Vapoo Products Co.). Plea of guilty. Fine, \$25. (I. & F. no. 1745. Sample no. 69812-A.)

This case was based on a shipment of Vapoo, an insecticide and fungicide as defined by the Insecticide Act, the labels of which bore unwarranted claims as to its alleged disinfecting and moth-proofing properties.

On December 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Benjamin T. Lake, trading as the Vapoo Products Co., New York, N. Y., alleging shipment by said defendant, on or about April 10, 1934, from the State of New York into the State of New Jersey, of a quantity of Vapoo, which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements appearing on the label of the can containing the article, and in an accompanying circular, (can) "The vapor Shampoo for Rugs and Upholstery cleans, brightens, disinfects and mothproofs in one operation", (circular) "Cleans, mothproofs and disinfects", were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article, when applied as directed on the label, would disinfect and would render mothproof rugs and upholstery;

whereas when applied as so directed, it would not disinfect and would not render mothproof rugs and upholstery.

On December 28, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1371. Adulteration of Paris green. U. S. v. Los Angeles Chemical Co. Plea of guilty. Fine, \$25. (I. & F. no. 1734. Sample no. 29589-A.)

This case was based on a shipment of Paris green that contained excessive arsenic in water-soluble form.

On November 27, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Los Angeles Chemical Co., a corporation, Los Angeles, Calif., alleging shipment by said company, in violation of the Insecticide Act of 1910, on or about October 7, 1933, from the State of California into the State of Arizona, of a quantity of Paris green which was adulterated.

The article was alleged to be adulterated in that it was Paris green, and contained arsenic in water-soluble form equivalent to more than 3½ percent of arsenious oxide.

On December 10, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1372. Misbranding of Sentaroma. U. S. v. Velray, Inc. Plea of guilty. Sentence, \$25. Fine remitted. (I. & F. no. 1744. Sample no. 71667-A.)

This case was based on a shipment of Sentaroma, an insecticide as defined by law, the labeling of which contained unwarranted claims regarding its alleged effectiveness as a moth repellent.

On November 19, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Velray, Inc., New York, N. Y., alleging shipment by said company, on or about April 23, 1934, from the State of New York into the State of Massachusetts, of a quantity of Sentaroma which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement on the label of the packages, "Moth Repellant", was false and misleading, and by reason of the said statement the article was labeled so as to deceive and mislead the purchaser, since the article would not act as a moth repellent.

On November 22, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25, which fine was remitted.

M. L. WILSON, *Acting Secretary of Agriculture.*

1373. Alleged misbranding of Thermpak Moth Preventive. U. S. v. Thermwool Products Co., Inc. Tried to the court. Directed verdict dismissing information. (I. & F. no. 1733. Sample nos. 67182-A, 68352-A.)

On November 14, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Thermwool Products Co., Inc., Brooklyn, N. Y., charging shipment by said company on or about February 12, 1934, from the State of New York into the State of Connecticut and on or about February 27, 1934, from the State of New York into the State of Massachusetts, of quantities of Thermpak Moth Preventive, which was alleged to be misbranded in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement, "Thermpak Moth Preventive Hang on Clothes", appearing on the packages, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that they represented that the article, when used as directed, would prevent moths and moth injury; whereas the article, when used as directed, would not prevent moths and moth injury.

On November 28, 1934, the case was tried before a jury, and at the conclusion of the testimony the court ordered a directed verdict dismissing the information.

M. L. WILSON, *Acting Secretary of Agriculture.*

1374. Misbranding of Skat-a-Roach. U. S. v. Skat-a-Rat Corporation. Plea of guilty. Fine, \$10. (I. & F. no. 1731. Sample no. 68425-A.)

This case was based on an interstate shipment of Skat-a-Roach, the labels of which contained false and misleading representations relative to its alleged efficacy in the control of certain insects.

On October 24, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Skat-a-Rat Corporation, Providence, R. I., alleging shipment by said company on or about March 1, 1934, from the State of Rhode Island into the State of Massachusetts, of a quantity of Skat-a-Roach which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements, "Guaranteed to Kill * * * Fleas * * * Bedbugs * * * For * * * Fleas and Bedbugs Blow the powder thoroughly into floor and wall cracks, into corners, beneath rugs and carpets, into cracks and crevices of the bed and around the baseboards. The basement and all floors should be baited at the same time. Allow to remain as long as possible and repeat when necessary. * * * A Scientific * * * Contact Poison", borne on the label were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser since they represented that the article when used as directed would act as an effective insecticide against fleas and bedbugs and would act as a contact poison against insects; whereas the article when used as directed would not act as an effective insecticide against fleas and bedbugs and would not act as a contact poison against insects.

On November 22, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

M. L. WILSON, Acting Secretary of Agriculture.

1375. Misbranding of Crystal Gas. U. S. v. Stanley Drug Co. Plea of nolo contendere. Fine, \$25. (I. & F. no. 1736. Sample no. 69293-A.)

This case was based on a shipment of Crystal Gas, an insecticide as defined by law, the labels of which bore unwarranted claims regarding its alleged effectiveness against moths and certain other insects.

On November 28, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Stanley Drug Co., a corporation, Philadelphia, Pa., alleging shipment by said company on or about April 5, 1934, from the State of Pennsylvania into the State of New Jersey, of a quantity of Crystal Gas, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910. The article was alleged to be misbranded in that the following statements, "Crystal Gas Paradichlorobenzene Moth Exterminator * * * Releases Gas * * * Fatal to Moths and Other insects * * * Crystal-Gas-Placed into an open flat container or into small cloth bags at the top of a clothes' closet will give off gas vapors acting as a repellent to flying moths. A teaspoonful or two in a cloth bag placed in a bureau drawer will give the same results. * * * For Moths and Carpet Beetles. To protect clothing (woolens, furs, etc.). Keep container tightly closed. The gas vapors will penetrate through the clothing and kill the larvae or adult worms that may be present. * * * For Roaches and Other Insects. Roaches, ants and other insects may be entirely exterminated by the use of Crystal-Gas placed in back of baseboards and hiding places where insects are liable to breed", borne on the labels affixed to the cans containing the article, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article when used as directed would exterminate moths, would be fatal to moths and other insects, would repel flying moths and would be an effective insecticide against moths, moth larvae, carpet beetles, roaches, ants, and all other insects; whereas the article, when used as directed, would not exterminate moths, would not be fatal to moths and other insects, would not repel flying moths, and would not act as an effective insecticide against moths, moth larvae, carpet beetles, roaches, ants, and all other insects.

On January 23, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

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